

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

R.M.S. TITANIC, INC.,
successor in interest to Titanic
Ventures, limited partnership,

Plaintiff,

v.

Civil Action No. 2:93cv902

The Wrecked and Abandoned
Vessel, . . .believed to be
the RMS TITANIC, in rem,

Defendant.

**REPLY OF RMS TITANIC, INC. TO THE TRUSTEES OF THE NATIONAL
MARITIME MUSEUM’S RESPONSE TO PLAINTIFF’S OBJECTION TO NOTICE OF
APPEARANCE**

NOW COMES Plaintiff RMS Titanic, Inc., (“RMST”), by counsel, and submits its Reply brief in support of its Objection to the Notice of Appearance lodged on behalf of the National Maritime Museum (“the Museum”).

I. Procedural Background.

On July 9, 2018, Edward J. Powers, Esq. and his law firm, Vandeventer Black, LLP, filed a *Notice of Appearance on behalf of the National Maritime Museum*. (Dkt No. 450). On July 12, 2018, RMST filed its *Objection to Notice of Appearance and Memorandum in Support* (the “Objection”) (Dkt No. 453), on the grounds that the National Maritime Museum lacks standing to appear in this matter. On July 26, 2018, NMM filed the *Trustees of the National Maritime Museum Response to Plaintiff’s Objection to Notice of Appearance* (the “NMM Response”) (Dkt No. 457).

II. Argument.

Standing is not derived from a party's history or its potential interest in a legal matter. Rather, standing is a required part of the "case-or-controversy" requirement of Article III. As noted by RMST previously, a party seeking standing must satisfy three elements: an injury in fact; a causal relationship between the injury and the conduct complained of; and the likelihood, as opposed to speculation, that the claimed injury will be redressed by a favorable decision. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560, 112 S.Ct. 2130, 2136 (1992). Here, NMM has no injury in fact, no causal relationship between the theoretical injury and the requests it seeks in this case, and it is far from likely that NMM's concerns may be fully addressed by a favorable decision in this Court. Indeed, the Bankruptcy Court in Jacksonville, Florida has not yet issued a ruling as to the competing plans for the purchase and sale of the assets of RMST's parent entity, Premier Exhibitions, Inc. NMM's participation sub judice is premature until that ruling is made, and the Bankruptcy Court provides NMM with more than just a hope that its plan will be accepted by that court. Until then, there is no basis for NMM to participate in this action.

Moreover, NMM has still not followed the required procedure for intervention. NMM must either move for intervention of right under Rule 24(a)(2), or move for permissive intervention under Rule 24(b). It has done neither, and offers no explanation or justification for its failure.

Standing is not conferred because it is desired, but rather because it exists legally and factually. As NMM has not met its burden of showing that it has standing in this action, and has refused to follow required federal civil procedure, its Notice of Appearance should be dismissed and its request denied.

For the foregoing reasons, RMST respectfully requests that the Court enter an Order striking the Notice of Appearance and denying the attempt by the National Maritime Museum to participate in this action.

July 31, 2018

Respectfully submitted,

R.M.S. TITANIC, INC.

By Counsel

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CERTIFICATION

I hereby certify that a copy of the foregoing has been delivered to Kent Porter Esq., U.S. Attorney's Office, 8000 World Trade Center, Norfolk, VA 23510, and Edward Powers, Esq., Vandeventer Black LLP, 101 West Main Street, Suite 500, Norfolk, VA 23510 this 31st day of July, 2018.

/s/
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